Sectt. II-27—50,000—27-10-41.

Home (1942) Department.

(Pns) SERIES.

P. II(E)

G.O. No. 668

Dated 17.2.42

[Despatch Abstract.]

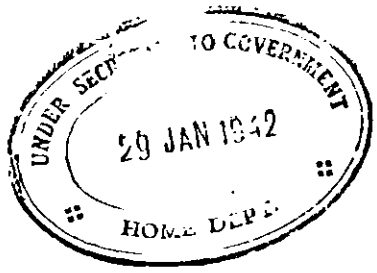
Establishments. — Bench Court, Bellary District — Temporary Sheristadar Continuance for another year sanctioned — Temporary clerk — to be continued

R.O.C.No.272/42 D3.

29-1-42

From

K.C.Nambiar Esquire,B.A.,B.L.,Bar-at-Law,
Assistant Registrar,Appellate Side,
High Court, Madras.



To

The Secretary to Government,
Home Department(with enclosures).

Dated the 26th January 1942.

Sir,

Establishment-Bench Court,Bellary-temporary establishment-Retention for another year-recommended.

I am to forward for orders of Government letter Ref-C.No.55/42 dated 17-1-42 and its enclosures from the District Magistrate of Bellary and to state,that in the circumstances stated therein, the Honourable the Judges recommend his request for the retention of the additional staff of one clerk on Rs.19-30 a month and one sweeper on Rs.10/- a month in the Bench Court at Bellary for another year from 17-2-1942.

2 Necessary provision has been made in the budget estimate for the

the current year and in the draft budget estimate for 1942-43 for the retention of the temporary establishment.

I have the honour to be,
Sir,
Your most obedient servant.

Assistant Registrar, App.Side.

HGn. 19

C.F.52.

3

Magisterial DEPARTMENT.

In reply, please quote number, date and short title.*

APPELLATE SIDE
RECEIVED
20 JAN 1942
HIGH COURT

*Received*_____ *Registered*_____

From (Name) I.M.Fraser Esquire,I.C.S.,

(Designation) District Magistrate,

Post Box_____, (Station)_____Bellary.

*Telegraphic Address*_____

To The Secretary to Government,
Home Department, Madras.

Through The Registrar,,
High Court ofJudicature, Madras.

272/42D.

Ref.c. *No.* 55/42-E2, *dated* 17-1-1942. ~~19~~

Sir,

* Establishment-Bench Court-Bellary-Temporary establishment-Retention for another year-proposals-Submitted.

ENCLOSURES_____

_____

_____

STAMP COPIES_____

Ref: G.O.No.Ms.535 Home Department dated 1-2-41.

In their order Number (Y) pp.8-9 quoted above, Government sanctioned the retention of the following temporary establishment in the 1st class Bench Court, Bellary for a period of one year from 17-2-41.

One clerk on Rs 19-2/2-25-1/2-30 a month
One sweeper on Rs 10/- a month.

The President of the Bench Court, Bellary now requested that the staff mentioned above may be ~~confirmed~~ continued for another year from 17-2-42. In support of his proposal, he has furnished statistics of the work done by the Bench Court during the previous four years. The Sub Divisional Magistrate, Bellary supports the proposals of the President Bench Court, Bellary. I agree with them and request that ~~Gov~~ Government may be pleased to order the retention of the staff for another year from 17-2-42.

2) Copies of the reports of the President Bench Court, Bellary and the Sub Divisional Magistrate, Bellary together with the statistics showing the work done by the Bench Court during the preceding four years are submitted for reference.

AK/19.1

For Dist. Magistrate
19.1.42

P.T.O.,

4'

Copy of C.No.72/41 dated 24th December 1941 of the President, Bench Court, Bellary to the District Magistrate, Bellary through the Sub Divisional Magistrate, Bellary.

Sub: Establishment-Bench Court, Bellary-Temporary establishment-Sanction requested.

I submit herewith an application for sanction to retain, for one ore year, the temporary establishment which the Government were pleased to allow to this Court in G.O.No.535 Mis. dated 1-2-41 communicated with Dist.Magistrate's D.Dis.1430/40-Magl.dated 10-2-41 . This establishment which consists of a clerk on Rs 19-2/2-25-1/2-30 and a sweeper ~~from~~ peon on Rs 10/- per month is being sanctioned year after year from 1933.

2) I enclose a comparative statement showing the number of cases dealt with, the amount of fines levied and the total expenditure incurred by this Court during each of the years from 1938 to 1941. The fall in the number of cases is due to the levy of some-what deterrent fines and the scrutiny exercised in taking on file, a large number of Municipal cases, prosecuted for failure to pay property taxes on substantial grounds.

In view of the substantial increase under receipts over expenditure and of the unavoidable necessity to retain the usual additional establishment I request that the Government may be addressed to sanction its continuance for a year.

Statement showing the number of cases taken on file and the fines imposed during the year from 1938 to 1941 in the Bench Court, Bellary

Year	Total No. of cases taken on file.	Amount inflicted as fines and amount collected as attestation fees.	Establishment charges including contingent charges.	Net receipt over expenditure.	Remarks.
1938	3591	2459-10-0	1714-3-0	745-7-0	
1939	3437	2244-6-0	1779-6-3	464-15-9	
1940	2912	2926-12-0	2126-7-6	800-4-6	
1941	2604	4948-0-0	1697-8-0 *	3250-8-0	

* This includes the leave salary of the Head Clerk for four months and Bench Clerk for four months and peon for one month. ~~Their~~ leave salary was paid from this court.

/True Copies/.

AK/19.1.

For Dist.Magistrate.

Home Department.

DRAFT FOR APPROVAL.

C.F.17.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

Establishment - Bench court, Bellary - Bellary district - Temporary sweeper - ~~Retention~~ continuance for another year - Sanctioned Temporary clerk - Discontinued.

READ AGAIN G.O.No.535 Home, dated 1-2-1941. 19

,, ,, ,, 19

READ *ALSO*:—

No. 3535E/42 From the D.M. Bellary, C., No. 55/42-E2, dated 17-1-1942.

,, ,, High Court, R.O.C.No. 272/42D3 dated 26-1-42 19

,, ,, ,, 19

Order Ms. No. 668, dated 17-2-1942

Sanction is accorded to the retention of the temporary sweeper on Rs.10/- a month in the bench court at Bellary for a further period of one year from 17-2-1942.

2. The Govt. consider that the steady fall since 1938 in the number of cases instituted in the bench court, Bellary ~~during 1941~~ does not justify the ~~further~~ continuance after 16-2-42 of the temporary clerk on Rs.19-30 per mensem. ~~in the bench court, Bellary~~ of that court.

3. The additional expenditure on account of the retention of the temporary sweeper should be met from the appropriation under "27.g. Administration of Justice - Criminal courts - Stationary Sub-Magistrates, Bench magistrates and other establishments - E. contingencies - voted or authorized."

To the D.M. Bellary
,, Hon'ble the C.J. (with C.L.)
,, Acct.Genl. through the Fin. Dept.
(S/c)

C.F. 16.

DRAFT FOR APPROVAL.

Home Deptt.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT :—
Establishment - Bench Court, Bellary - Bellary district - Temporary ~~establishment~~ sweeper - Retention for another year - Sanctioned - Temporary clerk - Discontinued.

READ AGAIN G.O. No. 535 Home, dated 1-2-1941

" " " 19

READ *ALSO* :—

No. 3535 E/41 From the D.M. Bellary, No. 55/42-E2, dated 17.1.1942 & 30.F.

p.1.c.f. " From the High Court R.O.C. No. 272/42 D3 dated 26.1.42

" " " " 19

Order Ms ~~Resolution Rout.~~ No. , dated 19

Precedent in G.O. 535 Home 1.2.41 at (Y) pp. 8-9

See para 1 on p.1.c.f & para 1 on p. 8 (Y)

The Govt. consider that the no. of cases instituted in the bench court, Bellary during 1941 does not justify the further retention of the temporary clerk on Rs. 19-2/2-25-1/2-30 p.m. They are accordingly (Y) pleased to abolish that post with effect from the 17-2-42 [illegible]

Sanction is accorded to the retention of the ~~following~~ temporary ~~establishment~~ in the bench court at Bellary for a further period of one year from 17-2-1942 ~~one clerk on Rs. 19-2/2-25-1/2-30 a month~~ and [sweeper on Rs. 10/- a month]

2 The addl. expr. on account of the retention of the temporary clerk during the currentyear should be met from the appropriation under "27.J. Administration of Justice - Criminal Courts - Sty. Sub. Magistrates, Bench Magistrates and

and Other establishments – B
Pay of establishments – Voted
or Authorized" and that
readd. depre reduction of the
On account of the temporary
shaped the net-
Sweepers from the appropriation
under "27. g. Administration
of Justice – Criminal Courts –
Sty. Sub. Magistrates, Bench
Magistrates and Other
establishments – E. Contingencies –
Voted or Authorized"

To
The D. M. Bellary.
The Hon. the C. J.
(thro' C. L.)
The A. G. thro' the Rit. Dept
(S. C.)

SECRETARIAT DEPARTMENT
6 – FEB 1942
JUDICIAL DEPARTMENT

5116 E

Note:– There was a fall of about 300 in the No. of cases tried in the District Court Bellary during 1941 as compared with this No. for 1940. The fall is attributed to the levy of somewhat deterrent fines and closer Scrutiny in taking on file Municipal cases prosecuted for failure to pay property taxes. The D. J. and the H. C. are both agreed as to the need for Continuing the temporary establishment – sanctioned in G.O. [illegible] The proposal may be accepted. The draft order may be sent to Fin. for concurrence.

1940 – 2912
1941 – 2604
Decrease 308

Offrs
Thes 825 have been put up to an urgent pad

Finance(E-I).

There are 3 clerks among others, in the Bench Court, Bellary including the temporary post of clerk now under consideration.

The following statements show in one view the state of work in the Bench Court, Bellary from time to time since 1932 and how it compares with that of some other Bench Courts where there are only 2 clerks:-

Sa. I.			Sa. II.	
Name of Court.	Year.	Total No. of cases instituted.	Name of courts with only 2 clerks.	Total institution in 1936.
Bench Court, Bellary.	1932	5178	Bench Court, Srirangam	1720
	1933	4980	" Cocanada	3124
	1934	4132	" Vizagapatam	2815
	1935	3929	" Mangalore	2421
	1936	4159		
	1937	3147		
	1938	3591		
	1939	3437		
	1940	2912		
	1941	2604		

It will be seen from the above statement that the work of the Bench Court, Bellary shows a very considerable decline since 1938. As compared with 1932 the institutions in 1941 are slightly over one-half of those in 1932. Having regard to the volume of work in, the Bench Courts, Cocanada, Vizagapatam and Mangalore(during 1936) where only 2 clerks have been allowed there appears to be no strong justification now for the further retention of the third clerk in the present case. Finance may suggest that the post may be abolished with effect from the date of expiry of the present sanction. The draft order may otherwise be accepted. Sweeps accepted.

Home E Dept

Subd. for orders.
Put up fo 660 Home dt 21.5.36

The G. O. is put up at (H).

ASSISTANT SECRETARY TO GOVERNMENT
12 FEB 1942
HOME DEPARTMENT

In the matter of the Scale of establishment for bench courts we have not been applying any uniform standard. A 2 as Home Secy considered that 800 cases for disposal would fully occupy one clerk. on this basis a full time clerk was agreed to by Govt for the bench court at Chemnad vide pp 660 Home dy 21.5.36. Applying that standard there is a case for 3 clerks in the bench court at Bekal. For orders whether we may press for the continuance of the 3rd clerk.

JC
14/12
S.

Here we up to date figures of the other courts?

A 14/12

A.V.

Subd. yes.

The statement below gives upto date figures of the bench courts at Kasaragod and Nandyal for which of which a supernumerary full time clerk is being sanctioned from year to year :—

Year	No. of Cases			
	Received		Disposed of	
	Kasaragod	Nandyal	Kasaragod	Nandyal
1937	613	p.3 of 257 Home 2.3.42 at (S)	580	— p.3 of (S)
1938	582	/	502	—
1939	502	2208	475	2154
1940	521	956	508	944
1941	403	1183 (for 10 months) (1420 for 1 year)	393	1168 (for 10 months) (1401 for 1 year)
	2 c Full		1 3c Full	

(X C. No 3056 E/42)

JC
16/12
S

Sir
Kindly see my
16/12

S/- C. V.

A.V.

The draft order on pp. 1-2 ante, has been amended with reference to Secy Notion, 4 ante. It may now issue A draft telegram to the Collr. is also Subd. below for approval in order to ensure that the temporary clerk is not continued in anticipation of the Sanction of the Govt.

Issue the telegram + send up a clean copy of the draft as amended

Rp 16.2 GG 16/2

M 16/2

Telegram No. 3535 E/42 Home Deptt

To

Collector, Bellary

[Ref.] your [No] 55/42-E2 [dated] Seventeenth January 1942 d. 17.1.42

Orders under issue refusing ~~retention~~ Continuance of temporary clerk Bench Court, Bellary and Sanctioning retention of sweeper.

Madras Home

Tel & P.C. Appd MMD 16/2

Rp 16.2 GG 16/2

M 16/2

P.C. to go

A.V.

Clean copy of the draft order Subd.

Rp 16.2 GG 16/2

Draft for approval